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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,143	10/22/1999	IAN CHARLES OGILVY	CU-2003	3561

7590

07/17/2002

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EXAMINER

NGUYEN, PHUOC H

ART UNIT

PAPER NUMBER

2158

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/381,143

Applicant(s)

OGILVY, IAN CHARLES

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claim 1-12, and 16-21 rejected under 35 U.S.C. 102(e) as being participated by Stern U.S. Patent 5,935,249.
4. Referring to claim 1, 16, and 18, Stern reference discloses a virtual machine means which includes a virtual function processor and function processor instructions for controlling operation of the device, and a virtual message processor which is arranged to be called by the function processor and which is arranged to carry out the task of assembling, disassembling and comparing messages, whereby when a message is required to be handled by the communications device the message processor is called to carry out the message handling task (col. 6, lines 53-59 and col. 7, lines 1-6).
5. Referring to claim 2, 17, 19-21, Stern reference discloses a virtual protocol processor arranged to organise communications to and from the device, and protocol processor instruction means arranged to provide directions for operation of the protocol processor means (col. 7, 2<sup>nd</sup> paragraph).
6. Referring to claim 3 and 5, Stern reference discloses the device includes a microprocessor which runs in accordance with native software code, and the message processor is implemented

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as the native software code of the microprocessor (col. 9, lines 26-47); and the function processor is implemented as native code of the microprocessor (col. 9, 2<sup>nd</sup> paragraph).

7. Referring to claim 4, Stern reference discloses the device includes a microprocessor which runs in accordance with native software code and the protocol processor is implemented as a native software code of the microprocessor (col. 7, lines 63 through col. 8, lines 9).

8. Referring to claim 6, Stern reference discloses the message instruction means includes a set of descriptions of message data (col. 7, lines 59-62).

9. Referring to claim 7, and 9, Stern reference discloses the message processor instruction means is implemented in software defined by the message processor, wherein the device includes a microprocessor, and wherein the message instructions means do not require translation to the native software code of the microprocessor (col. 5, 3<sup>rd</sup> paragraph); and the device includes a microprocessor which runs in accordance with native software code, and wherein the function processor instruction means are implemented in software defined by the function processor means and do not require translation to the native code of the microprocessor (col. 5, 3<sup>rd</sup> paragraph).

10. Referring to claim 8, Stern reference disclose the device includes a microprocessor which runs in accordance with native software code and wherein the protocol instruction means are implemented in software defined by the protocol processor means, and do not require translation to the native code of the microprocessor (col. 5, lines 49-56).

11. Referring to claim 10, Stern reference discloses a hardware abstraction layer comprising a series of routines which provide an application program interface to exercise an operating system, BIOS or hardware drivers of the device (col. 11, lines 16-22).

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12. Referring to claim 11, and 12, Stern further discloses the device is a specialized network access device arranged for communicating over a network (col. 2, lines 41-51); and the device being a remote payment terminal and the messages being messages relating to remote payment transactions (col. 9, lines 32-40).

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Wilkinson U.S. Patent 6,308,317** discloses using a high level programming language with microcontroller

**Nguyen U.S. Patent 5,931,917** discloses system, method, and article of manufacture for a gateway system architecture with system administration information accessible from a browser

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon - Fri ( 7AM-4PM ).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9148 for regular communications and 703-746-9148 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Phuoc H. Nguyen

Examiner

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July 8, 2002



DAVID WLEY  
PRIMARY EXAMINER